

SENATE BILL 1419

By Norris

AN ACT to amend Chapter 613 of the Private Acts of 1931; Chapter 625 of the Private Acts of 1935; Chapter 470 of the Private Acts of 1967; Chapter 71 of the Private Acts of 1973 and Chapter 72 of the Private Acts of 1973; and any other acts amendatory thereto; and to repeal Chapter 405 of the Private Acts of 1925; Chapter 448 of the Private Acts of 1927 and Chapter 509 of the Private Acts of 1927, relative to zoning within the unincorporated areas of Shelby County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 405 of the Private Acts of 1925, Chapter 448 of the Private Acts of 1927, and Chapter 509 of the Private Acts of 1927, are hereby repealed.

SECTION 2. Chapter 613 of the Private Acts of 1931, as amended by Chapter 71 of the Private Acts of 1973, is amended by deleting Sections 2, 3, 4, 5, 6, 9, 10, 12, 13, and 14.

SECTION 3. Chapter 625 of the Private Acts of 1935, as amended by Chapter 72 of the Private Acts of 1973, is amended by deleting Section 2 and substituting instead the following:

Sec. 2. Zoning Plan and Ordinance.—From and after the time when the county planning commission of any county makes and certifies to the legislative body of such county a zoning plan, including both the full text of the zoning ordinance and maps, and representing the recommendations of the commission for the regulation by districts or zones of the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, the location and uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes,

then said legislative body may by resolution, exercise the powers granted to it in section one of this Act and, for the purpose of such exercise, may divide the unincorporated territory of such county into districts or zones of such number, shape, and area as it may determine, and within such districts may regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class or kind of buildings throughout any district, but the regulations in one district may differ from those in other districts. The planning commission may make and certify a single plan for the entire unincorporated portion of the county, or separate and successive plans for those parts which it deems to be urbanized or suitable for urban development and those parts which, by reason of distance from existing urban communities or for other causes, it deems suitable for non-urban development; and any ordinance enacted by the legislative body may cover and include the unincorporated territory covered and included in any such single plan or in any such separate and successive plans. No resolution covering more or less than the territory covered by any such certified plan shall, however, be enacted or put into effect until and unless it be first submitted to the planning commission which had certified the plan to the legislative body and be approved by said body or, if disapproved, receive the favorable vote of not less than two-thirds of the entire membership of said body.

Provided however, the legislative body may by resolution provide for approval of planned developments on parcels of not less than three (3) acres in which the heights, areas, densities and uses may be as set out on a recordable plat although they may not be uniform with those in the district in which located. Such a plan shall first be submitted to and a recommendation made by the Planning Commission. Such plats shall show the street and road patterns, dedications, if any, set-backs, heights, density, uses, building separation, open areas and screenings as proposed by the applicant and their conformity with standards set by the Planning Commission as approved by the legislative body, so as to carry out the intention of the applicable zoning resolutions and preserve the character of the neighborhood. Upon approval and enactment by the legislative body such conditions shall be binding upon the applicant/owner until relieved

by amendment or repeal. Building permits may be issued in accordance with the approved plan even though more than one structure is to be located thereon.

SECTION 4. Chapter 470 of the Private Acts of 1967, is amended by deleting Section 2 and substituting instead the following:

Section 2. *Be it further enacted,* That all plats for the division, subdivision or resubdivision of land subject to the regulations shall first be filed with the County Planning Commissions having jurisdiction in said counties. The County Planning Commission shall approve plats which conform to the subdivision regulations and all applicable provisions of the comprehensive plan of the county. Upon approval, the County Planning Commission shall forward such plats to the Board of County Commissioners of said counties for final approval.

SECTION 5. Chapter 470 of the Private Acts of 1967, is further amended by deleting Section 3.

SECTION 6. Chapter 470 of the Private Acts of 1967, is further amended by deleting the following sentence within Section 4:

Any such contract, before becoming effective, likewise shall be approved by the governing body of any city affected by this Act.

SECTION 7. Chapter 470 of the Private Acts of 1967, is further amended by deleting the final sentence of Section 4 and substituting instead the following:

The amount of cash deposit or surety bond, and the surety, must meet with the approval of the Board of County Commissioners and county attorney of the county; provided, however, that separate contracts for the installation of and payment for all necessary site improvements may be executed to permit development of a subdivision in successive sections or stages.

SECTION 8. Chapter 470 of the Private Acts of 1967, is further amended by deleting the first sentence of Section 7 and substituting instead the following:

*Be it further enacted,* That a plat certified for recording shall carry on its face at least a signed acknowledgement by the owner, which shall be notarized; the signature and seal of a registered professional engineer, duly authorized by law to practice in the

State of Tennessee; the signatures of the Director of Planning of the County Planning Commission, the Chairman and one other member of the Board of County Commissioners; and the dates of approval.

SECTION 9. Actions taken, prior to the effective date of this act, under extraterritorial jurisdictional authority granted pursuant to private act shall remain binding on the property owners or other affected persons; and the removal of such extraterritorial jurisdiction, pursuant to this act, shall not be retroactive in application.

SECTION 10. Actions taken, on or after the effective date of this act, to amend an existing and approved planned development or special use permit within an extraterritorial jurisdiction zone shall be decided solely by the legislative body for the jurisdiction in which the affected property is located, regardless of the joint approval that may have been necessary under laws in effect at the time of initial approval of the development or use.

SECTION 11. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Shelby County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Shelby County legislative body and certified to the secretary of state.

SECTION 12. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.